Grievances of Revenue Site Owners

*Q.—418. Sri M. S. KRISHNAN (Malleswaram).—

Will the Minister for Municipal Administration be pleased to state:—

(*a*) whether representations have been received by Government from the revenue site owners round about Bangalore about their grievances;

(*b*) whether Government is aware that thousands of middle class, working class and poor people will be put to extreme difficulties, if the sites which were occupied already were allotted to others by the City Improvement Trust Board;

(*c*) if so, the action they propose to take in order to restore the sites to the owners themselves?

*A.—Sri R. M. PATIL (Minister for Municipal Administration).—

(*a*) Yes.

(*b*) Yes.

(*c*) The problem has been examined by a Committee and the Committee's report is under consideration by Government.

Enforcement of Shops and Commercial Establishments Act

*Q.—132. Sri S. S. SHETTAR (Hubli).—

Will the Minister for Home and Labour be pleased to state :—

whether the provisions of the Mysore Shops and Commercial Establishments Act are being enforced on the Hotels and other Commercial Establishments in the State?

*A.— Sri M. V. RAMA RAO (Minister for Home and Labour).—

Yes.

Members' Representations

ಶ್ರೀ ಎನ್. ಹುಚ್ಚಮಾಸ್ತಿಗೌಡ (ಹುಲಿಯೂರುದುರ್ಗ).— ಸ್ವಾಮಿ, ನಾನೊಂದು ಕ್ರಿಯಾಲೋಪವನ್ನು ಎತ್ತುತ್ತೇನೆ. ನಿನ್ನೆಯದಿವಸ ಪ್ರಶ್ನೋತ್ತರ ಕಾಲದಲ್ಲಿ ಮಾನ್ಯ ಪೌರಾಡಳಿತ ಸಚಿವರು ಶ್ರೀಮಾನ್ ಶಾಮಣ್ಣನವರ ಪ್ರಶ್ನೆಗೆ ಉತ್ತರಕೊಡುತ್ತಾ ಒಂದು ಮಾತನ್ನು ಹೇಳಿದರು. ಅದೇನೆಂದರೆ ಶ್ರೀಮಾನ್ ಶಾಮಣ್ಣನವರು ಹಿಂದಿನ ಸರ್ಕಾರ ಭರವಸೆಯನ್ನು ಕೊಟ್ಟಿದ್ದರೋ ಇಲ್ಲವೋ, ಈ ಸರ್ಕಾರಕ್ಕೆ ಅದು ಗೊತ್ತಿದೆಯೇ, ಅದನ್ನು ಪರಿಶೀಲನೆ ಮಾಡುತ್ತೀರಾ ಎಂದು ಕೇಳಿದ್ದಕ್ಕೆ ಮಾನ್ಯಮಂತ್ರಿಗಳು ಅದು ನನ್ನ ಸ್ವಂತ ಗಮನಕ್ಕೆ ಬಂದಿಲ್ಲ ಎಂದು ಹೇಳಿದರು. ಈಗ ಏಕಪ್ರಕಾರವಾಗಿ ಕೆಲವು ವರ್ಷಗಳಿಂದ ಮಂತ್ರಿಗಳು ಭರವಸೆ ಕೊಟ್ಟದ್ದನ್ನು ಸಾಮಾನ್ಯವಾಗಿ ಅಷ್ಯೂರೆನ್ಸ್ ಕಮಿಟಿಯವರು ಪರಿಶೀಲನೆ ಮಾಡಿ ಆ ಭರವಸೆಗಳನ್ನು ಸರ್ಕಾರದವರು ಪರಿಪಾಲನೆ ಮಾಡುವಂತೆ ನೋಡಿಕೊಳ್ಳಬೇಕೆಂಬ

(ಶ್ರೀ ಎನ್. ಹುಚ್ಚಮಾಸ್ತಿಗೌಡ)

ನಿಯಮ ಇದೆ. ಮಾನ್ಯ ಮಂತ್ರಿಗಳು ಅದನ್ನು ಗಮನಿಸದೆ ಉತ್ತರ ಕೊಡುವುದು ಸಮಂಜಸ ವಾಗುವುದಿಲ್ಲ. ಅದು ಶಾಸನಬದ್ಧವಾಗಿ ನಡೆಯಬೇಕಾಗಿರುವ ಕ್ರಮಕ್ಕೆ ವಿರುದ್ಧವಾಗಿದೆಯಲ್ಲವೇ ಎಂದು ನನ್ನ ಪ್ರಶ್ನೆ.

Mr. SPEAKER.—Has the Minister anything to say ?

Sri R. M. PATIL (Minister for Municipal Administration).—It requires no answer. Personally I have said that I do not know about any assurance given by my predecessors. If there is any such assurance, if it is given in writing, it will be considered. That is very plain.

Mr. SPEAKER.—A point of order has been raised by Sri Hutchmasti Gowda. He wanted to raise it during Question Hour but in pursuance of my request not to consume the time during question hour, he has raised it now. His point is that the reply given by the hon'ble Minister Sri R. M. Patil in regard to certain question adverted to by hon'ble member Sri T. R. Shamanna that an assurance had been given by another hon'ble Minister, contravenes the convention and the assurance given by the hon'ble Ministers being recorded and passed on so that every member of the Council of Ministers has come to know and therefore the reply given by hon. Minister Sri R. M. Patil to the effect that he is not personally aware, infringes the convention.

Having bestowed my most anxious consideration on this point, I find that it is not possible to know definitely whether the assurance spoken of or referred to by hon'ble Member Sri T. R. Shamanna was a recent assurance or an earlier assurance or when it was given or whether it was communicated to the Government—a multitude of ideas come in. The date is not known; and with what effect is not known. Therefore, the matter can be taken up again at any time. I do not think there is anything in the point of order raised.

Sri M. NAGAPPA (Raichur).—Sir, I have got a Privilege Motion.

Mr. SPEAKER.—The member need not read it. He may only mention the point.

†ಶ್ರೀ ಎಂ. ನಾಗಪ್ಪ (ರಾಯಚೂರು).—ಸ್ವಾಮಿ, ಈ ಸಭೆಯ ರೂಲ್ಸ್ ಮತ್ತು ಕನ್‌ವೆನ್‌ಶನ್ ಏನಿದೆ, ಮತ್ತು ಅವುಗಳ ಪ್ರಕಾರ ರಾಜ್ಯಾಂಗದ ಆರ್ಟಿಕರ್ 194 ಪ್ರಕಾರ ಈ ರೆಜಿಸ್ಲೇಟಿವ್ ಅಸೆಂಬ್ಲಿ ನಡೆಯುತ್ತಾ ಬಂದಿದೆ. ಸಭೆಯ ನಿಯಮಾವಳಿಗಳಂತೆ 7ನೆಯ ಪ್ರಕರಣದ ರೂಲ್ಸ್ 32 ರಿಂದ 37ರ ಪ್ರಕಾರ ಪ್ರತಿ ಸದಸ್ಯರಿಗೆ ಕೆಲವು ಪ್ರಶ್ನೆಗಳನ್ನು ಕೇಳತಕ್ಕಂತಹ ಅಧಿಕಾರ ಉಂಟು. ಅದನ್ನು 34ನೇ ರೂಲ್ ಪ್ರಕಾರ ಮಾನ್ಯ ಅಧ್ಯಕ್ಷರ ಅನುಮತಿ ಪಡೆದು 10 ಕ್ಕಿಂತ ಹೆಚ್ಚು ಪ್ರಶ್ನೆಗಳನ್ನು ಕೇಳತಕ್ಕಂತಹ ಒಂದು ಅಧಿಕಾರ ಸಾಮಾನ್ಯ ಸದಸ್ಯನಿಗೆ ಉಂಟು. ಅದೇ ಪ್ರಕಾರವಾಗಿ ಈ ಮನೆಯ ಸದಸ್ಯನಾಗಿ, ಮೇ ತಿಂಗಳಲ್ಲಿ ಮತ್ತು ಇತರ ತಾರೀಕುಗಳಲ್ಲಿ ಸಾಧಾರಣ 15 ಸ್ಟಾರ್ಡ್ ಪ್ರಶ್ನೆಗಳನ್ನು ತಮ್ಮಲ್ಲಿ ಕೊಟ್ಟಿದೆ, ಮತ್ತು ಅವೆಲ್ಲವನ್ನೂ ತಾವು ಅಡ್ಮಿಟ್ ಮಾಡಿದ್ದೀರಿ ಮತ್ತು ಅದನ್ನೆಲ್ಲಾ ಸರ್ಕಾರಕ್ಕೆ ಕಳಿಸಿಕೊಡಲಾಗಿದೆ. ಆದರೆ ಸರ್ಕಾರ ಪ್ರಶ್ನೆ ನಂ. 662 ರಿಂದ 666ರವರೆಗೆ ಇದುವರೆಗೆ ಯಾವ ಉತ್ತರವನ್ನೂ ಕಳಿಸಿಲ್ಲ. ರೂಲ್ 40ರ ಪ್ರಕಾರ 15 ದಿವಸದಲ್ಲಿ ಅವರು ಉತ್ತರ ಕೊಡತಕ್ಕದ್ದು. ಆದರೆ 15 ದಿವಸದಿಂದ 30 ದಿವಸ ಮೀರಿದರೂ ಸಹ ಮತ್ತು ಅಸೆಂಬ್ಲಿ ಮುಗಿಯುವುದರಲ್ಲಿದ್ದರೂ ಸಹ ಇದುವರೆಗೂ ಸರ್ಕಾರ ಉತ್ತರ ಕೊಟ್ಟಿಲ್ಲ. ಆದ್ದರಿಂದ ನನಗೆ ಸಭೆಯ ಸದಸ್ಯನಾಗಿ ಇರತಕ್ಕ ಅಧಿಕಾರವನ್ನು, ಸರ್ಕಾರದವರು ಒತ್ತಾಯಪೂರ್ವಕವಾಗಿ ಉತ್ತರ ಕೊಡದೆ ಮೊಟಕುಗೊಳಿಸುತ್ತಿದ್ದಾರೆ.

ಅವು ಬಹಳ ಪ್ರಾಮುಖ್ಯವಾದ ಪ್ರಶ್ನೆಗಳಾಗಿವೆ. ಆ ಪ್ರಶ್ನೆಗಳನ್ನು ನನ್ನ ಕ್ಷೇತ್ರದ ಜನರ ಹಿತದೃಷ್ಟಿಯಿಂದ ಕಳಿಸಿದ್ದೇನೆ. ಸಮಯ ಮೀರಿದ್ದರೂ ಸಹ ಆ ಪ್ರಶ್ನೆಗಳಿಗೆ ಸರ್ಕಾರದವರು ಉತ್ತರ ಕೊಡಬೆರುವುದು ವಿಷಾದದ ಸಂಗತಿಯಾಗಿದೆ. ಸದಸ್ಯರಿಗೆ ಇರುವ ಹಕ್ಕನ್ನು ಪೊಟಕು ಗೊಳಿಸಿದಂತಾಗಿದೆಯೆಂದು ಹೇಳುತ್ತೇನೆ. ಅದಕ್ಕಾಗಿ ಹಕ್ಕುಬಾಧ್ಯತೆಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಪ್ರಿವಿಲೇಜ್ ಮೋಷನ್ ಕಳಿಸಿದ್ದೆ ಅದು ಈ ರೀತಿ ಇದೆ :—

> "The Council of Ministers have committed a breach of privilege since they have failed to reply oral questions Nos. 662 to 666 asked by me. Hence they are jointly and severally liable for breach of privilege as awarded by the committee of privilege or the House as the case may be."

I request the hon'ble Speaker to give consent to move this motion for the consideration of this House.

ಶ್ರೀ ಅಜೀಜ್‌ಸೇಟ್ (ನವಸಿಂಹರಾಜ).—ಸ್ವಾಮಿ, ನಾನು ಈಗತಾನೆ ಒಂದು ಪ್ರಿವಿಲೇಜ್ ಮೋಷನ್ ಕಳಿಸಿದ್ದೆ. ಅದಕ್ಕೆ ಕಾರಣವಿಷ್ಟೆ, ನಾನು ಜನರಲ್ ಹಾಸ್ಪಿಟಲ್‌ನಲ್ಲಿ ಇದ್ದರೂ ಕೂಡ ಪೋಲೀಸರು ನನ್ನ ಮೇಲೆ ಅನೇಕ ಕ್ರಿಮಿನಲ್ ಕೇಸ್‌ಗಳನ್ನು ಹಾಕಿರುವುದರಿಂದ ನನಗೆ peace of mind ಇಲ್ಲದಂತಾಗಿದೆ. ಅಂದಿನ್ನಿ ನಡೆಯುತ್ತಿರುವಾಗ ನಾನು ಸ್ಪೀಕರ್ ಅವರ ರಕ್ಷಣೆಯಲ್ಲಿ ಇದ್ದರೂ ಕೂಡ ಹೊರಗಡೆ ನನ್ನ ಮೇಲೆ ಪೋಲೀಸರ ದಾಳಿ ನಡೆದಿದೆ. ನನಗೆ ಅವಕಾಶ ಕೊಟ್ಟರೆ ಪ್ರಿವಿಲೇಜ್ ಮೋಷನ್ ಮೂವ್ ಮಾಡುತ್ತೇನೆ.

ಶ್ರೀ ಎಚ್. ಎನ್. ನಂಜೇಗೌಡ (ಅರಕಲಗೂಡು),—ನಾನು 25ನೇ ತಾರೀಖಿನ ದಿವಸ ಕೃಷ್ಣಾ ನದಿ ನೀರಿನ ಬಗ್ಗೆ ಮತ್ತು ಕಾವೇರಿ ನದಿ ನೀರಿನ ಬಗ್ಗೆ ಎರಡು ನದ್‌ಸಬ್ಸ್‌ವಿಪ್ ಮೋಷನ್‌ಗಳನ್ನು ಕಳಿಸಿದ್ದೆ.....

ಅಧ್ಯಕ್ಷರು.—ಅವುಗಳನ್ನು ಬ್ಯಾಲೆಟ್‌ಗೆ ಕಳುಹಿಸಿದೆ.

ಶ್ರೀ ಅಜೀಜ್ ಸೇಟ್.—ಇನ್ನೊಂದು ವಿಷಯ. ನಮ್ಮ ಪಕ್ಷದಿಂದ ಒಬ್ಬ ಸದಸ್ಯರು ಕಾಂಗ್ರೆಸ್ ಪಕ್ಷಕ್ಕೆ ಹೋದ ನಂತರ ನಮ್ಮ ಲೀಡರ್ ಆದ ಶ್ರೀ ಗೋಪಾಲಗೌಡರ ಮೇಲೆ ಆ ಸದಸ್ಯರು ಒಂದು ಪ್ರಿವಿಲೇಜ್ ಮೋಷನ್ ಕಳಿಸಿದ್ದರು. ಆ ವಿಷಯವನ್ನು ತಾವು ಈ ಸಭೆಗೆ ತಿಳಿಸಿ, ಈ ಡಿಮ್ಯಾಂಡ್‌ಗಳ ಮೇಲೆ ನಡೆಯುತ್ತಿರುವ ಚರ್ಚೆ ಮುಗಿದನಂತರ ತೆಗೆದುಕೊಳ್ಳುತ್ತೇನೆಂದು ಹೇಳಿದ್ದಿರಿ.

Mr. SPEAKER.—If information is to be gathered there is proper method for getting it. I thought he was having another privilege motion.

Sri S. R. KANTHI (Minister for Law).—Just now I have received information from the Department and the Legislature Secretariat. I take the Secretariat information as correct and I will read the entire portion:

"The number of questions admitted so far is 1,024, answers furnished according to the Legislature Secretariat is 585, but according to the Secretariat it is 665, the other answers are in the process of being sent just now. The questions to be replied are 210 for which the answers are ripe. But there are 110 questions for which answers are not ripe in the sense questions passing the period of 15 days. The position seems to be improved. Of course the Government has to give answers for about 210 questions or so. The position is good. Out of 1,024 questions answers have been furnished to a large number.

Sri K. H. PATIL (Gadag).—It is not a question as to whether all the repli s have been sent to the Speaker or not. The question is whether rule 40 has been complied with by the Government.

Mr. SPEAKER.—I will deal with the privilege motion raised by Sri M. Nagappa, the hon'ble member from Raichur. He has addressed a letter intimating that under rule 177, there is a breach of privilege and action has to be taken under that rule. His basis for that is that he gave notice of fifteen starred questions, and among them questions for oral answers bearing Nos. 662 to 666, have not been answered. He adverts to rule 40 that a period of 15 days is given to the Government after admission and intimation to furnish the reply and if it is not possible then they request for further extension. He thinks that the privilege of a member has been violated and therefore it amounts to breach of privilege and the matter must be referred to the Committee for what he calls punishment for breach of privilege or as awarded by the committee or the House as the case may be. The right of a member to ask questions has never been questioned by anybody up till now. With regard to the furnishing of answers it is the duty of the Government and the answers received in respect of questions are included for being placed before the House and the first hour of every day is spent for that. The House knows and all the members know that till now we have not failed to have enough questions for every first hour of every day. It is also seen that as late as yesterday a large number of questions had to lapse without being answered. I am mentioning it for the purpose that answering a question or failure to answer a question does not amount to a breach of privilege as to be referred to the committee and it is also stated the Council of Ministers are jointly and severally liable. It may be a case if the answers are not furnished to say that they have failed to discharge their duties. But it is something different to say that there is breach of privilege. It can be seen from the fact...

ಶ್ರೀ ಎಸ್. ಗೋಪಾಲಗೌಡ (ತೀರ್ಥಹಳ್ಳಿ).—ಈಗ ಯಾರಾದರೂ ಸದಸ್ಯರು ಒಂದಲ್ಲಾ ಒಂದು ಕಾರಣಕ್ಕಾಗಿ ಪ್ರಶ್ನೆಗಳನ್ನು ಕೇಳಿರುತ್ತಾರೆ. ಸರ್ಕಾರದವರು ಆ ಪ್ರಶ್ನೆಗಳಿಗೆ ಉತ್ತರಿಸದೆ ಹೋದರೆ ಆ ಸದಸ್ಯರು ಏನು ಮಾಡಬೇಕು ?

ಅಧ್ಯಕ್ಷರು.—ನಾನು ಏನು ಹೇಳುತ್ತೇನೆ ಎಂಬುದನ್ನು ಪೂರ್ತಿ ಕೇಳವ ತಾಳ್ಮೆ ಮಾನ್ಯ ಸದಸ್ಯರಿಗಿಲ್ಲ. ನಾನು ಹೇಳುವ ಸಂದರ್ಭದಲ್ಲಿ ಎಲ್ಲಾ ವಿಷಯಗಳನ್ನೂ ಮನಸ್ಸಿನಲ್ಲಿಟ್ಟುಕೊಂಡು ಹೇಳುತ್ತಿರುತ್ತೇನೆ. ತಾವು ಪೂರ್ತಿಯಾಗಿ ಕೇಳುವುದಿಲ್ಲ. ಸ್ವಲ್ಪವಾದರೂ ನನ್ನ ಮೇಲೆ ಕರುಣೆಯಿಲ್ಲ !

ಶ್ರೀ ವಾಟಾಳ್ ನಾಗರಾಜ್ (ಚಿಕ್ಕಪೇಟೆ).—ನಿಮ್ಮ ಮೇಲೆ ನಮಗೆ ಬಹಳ ಕರುಣೆಯಿದೆ.

ಅಧ್ಯಕ್ಷರು.—ಇದ್ದರೆ ಆ ರೀತಿ ಮಾತನಾಡುವುದಿಲ್ಲ.

1-30 P.M.

At this stage two members, Mr. Gopala Gowda and Vattal Nagaraj, seem to think that my ruling is proceeding on wrong lines *viz.*, that if a Minister were to say that he will not give an answer, is not the right of a member breached and therefore they wanted to know how it is to be protected. Breach of privilege is not attracted by every failure to comply with every rule ; it has got a technical meaning. The contents of a breach of privilege are so well known that not a single ruling has been cited. It is well known that if a Minister refuses to answer, I can

do nothing. A greater remedy than a breach of privilege or reference to a Committee of Privileges is the moving of a Motion of No-confidence or any other remedy. To say that it amounts to a breach of privilege, technically there must be something which impairs the rights of members to the extent of his being put into a sort of fear. It is not easy to enumerate all that. Failure on the part of the Government to give answers has never been held to be a breach of privilege unless somebody is able to persuade me to come to a new conclusion—a conclusion which has never been arrived at in the last century in any of the legislatures. If there is something wrong, there are other remedies and members can very well take recourse to them. I can tell them that they have defaulted. Yesterday it could be seen that in addition to the usual list of questions I had put another list of 20 questions and only two or three questions lapsed. I am trying my very best. As I said, if a Minister were to sit quiet when a question is put, I cannot compel him to answer and if he does not answer, I cannot say that he has committed breach of privilege and that I will commit him to prison and all that. Therefore, I do not think there is any breach of privilege. Therefore, I am unable to give my consent to Mr. Nagappa's proposition.

ಶ್ರೀ ಎಸ್. ಗೋಪಾಲಗೌಡ.—ಹಾಗೆ ಮಾಡಬಾರದು ಎಂದು ತಾವು ನರ್ಕಾರಕ್ಕೆ ಒಂದು ವಾರ್ನಿಂಗ್ ಕೊಡಿ.

Mr. SPEAKER.—The hon'ble Member is asking me to hang them and again pat them on the back.

Then, Sri Azeez Sait has also given notice under rule 177 and he has mentioned therein how he claims that privilege. I was really sorry to hear that he was very much perturbed on account of this incident.

Sri AZEEZ SAIT.—Sir, if the Chair is giving the ruling on my motion, I want to bring to the notice of the Chair that I have got certain facts with me to substantiate my motion. Before hearing me, if a ruling is given I am afraid members will not have the real justice which is granted to them under the Constitution and parliamentary practice.

Mr. SPEAKER.—I find that the member wants to tell me something more. I thought he has said all that he wanted to say. Anyway, I will give the ruling tomorrow.

Sri V. N. PATIL (Humnabad).—Sir, I have given notice of a motion.

Mr. SPEAKER.—This seems to be an endless affair. I will deal only with privilege motions and nothing else.

Sri K. H. PATIL.—A ruling was withheld yesterday on the point of order raised by me.

Mr. SPEAKER.—I will get it.

ಶ್ರೀ ಎಸ್. ಗೋಪಾಲಗೌಡ.—ನಾನು ಒಂದು ಪ್ರಿವಿಲೆಜ್ ಮೋಷನ್ ಕಳಿಸಿದ್ದೇನೆ.